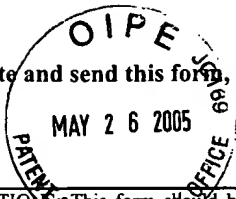


**PART B - FEE(S) TRANSMITTAL**

Complete and send this form, together with applicable fee(s), to: **Mail**

**Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
(703) 746-4000**

or **Fax**



INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

26619 7590 02/28/2005

**DELTA GEN, INC.  
1031 Bing Street  
San Carlos, CA 94070**

**06/01/2005 WABDEL R3 00000135 502775 09954483**

**01 FC:2501 700.00 DA  
02 FC:1504 300.00 DA**

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

**Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

Mary C. Notter	(Depositor's name)
<i>Mary C. Notter</i>	(Signature)
May 26, 2005	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/954,483	09/17/2001	Christian Siebel	RMES-02	6505
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TITLE OF INVENTION: GENE TARGETING VECTORS COMPRISING CONDITIONAL POSITIVE SELECTION MARKERS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$300	\$1000	05/31/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
LEFFERS JR, GERALD G	1636	435-006000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

- 1 John E. Burke
- 2 Greenberg Traurig LLP
- 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

**Deltagen, Inc.**

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

**San Carlos, CA**

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee
- ☒ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
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5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature *John E. Burke*

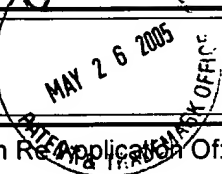

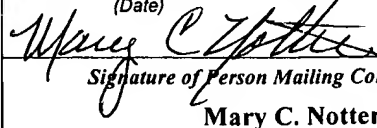
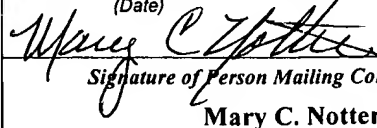
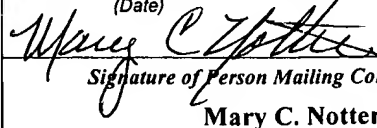
Date May 26, 2005

Typed or printed name John E. Burke

Registration No. 35836

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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<div style="float: left; text-align: left; margin-right: 10px;">  </div> <div style="clear: both;"></div> <p style="margin: 0;"><b>TRANSMITTAL LETTER</b> <b>(General - Patent Pending)</b></p>				<p>Docket No. <b>MES02</b></p>							
In Re Application Of: <b>Christian Siebel</b>											
Application No. <b>09/954,483</b>	Filing Date <b>September 17, 2001</b>	Examiner <b>Leffers Jr, Gerald G</b>	Customer No. <b>26619</b>	Group Art Unit <b>1636</b>	Confirmation No. <b>6505</b>						
Title: <b>Gene Targeting Vectors Comprising Conditional Positive Selection Markers</b>											
<u>COMMISSIONER FOR PATENTS:</u>											
Transmitted herewith is: <ol style="list-style-type: none"> <li>1. Transmittal of Payment of Issue Fee</li> <li>2. Part B -Fee(s) Transmittal</li> <li>3. Return Postcard</li> </ol>											
in the above identified application. <div style="margin-top: 10px;"> <input type="checkbox"/> No additional fee is required.         </div> <div style="margin-top: 10px;"> <input type="checkbox"/> A check in the amount of _____ is attached.         </div> <div style="margin-top: 10px;"> <input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. <b>502775</b> as described below.         <div style="margin-left: 20px;"> <input type="checkbox"/> Charge the amount of _____           <input checked="" type="checkbox"/> Credit any overpayment.           <input checked="" type="checkbox"/> Charge any additional fee required.         </div> </div> <div style="margin-top: 10px;"> <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.         </div>											
<b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b>											
<div style="text-align: center;">             _____  <i>Signature</i> </div> <p><b>John E. Burke, Reg. No. 35836</b>  <b>Greenberg Taurig</b>  <b>1200 17th Street, Suite 2400</b>  <b>Denver, CO 80202</b>  <b>303.685.7411</b>  <b>303.572.6540 (Fax)</b></p>			Dated: <b>May 26, 2005</b>								
CC:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="padding: 5px;">         I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as <del>first class</del> <sup>Express</sup> mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <b>May 26, 2005</b> <span style="float: right;"><b>ED888670336 US</b></span> </td> </tr> <tr> <td colspan="2" style="padding: 5px;"> <div style="text-align: center;">             _____  <i>Signature of Person Mailing Correspondence</i>  <b>Mary C. Notter</b> </div> </td> </tr> <tr> <td colspan="2" style="padding: 5px;">           Typed or Printed Name of Person Mailing Correspondence         </td> </tr> </table>			I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as <del>first class</del> <sup>Express</sup> mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <b>May 26, 2005</b> <span style="float: right;"><b>ED888670336 US</b></span>		<div style="text-align: center;">             _____  <i>Signature of Person Mailing Correspondence</i>  <b>Mary C. Notter</b> </div>		Typed or Printed Name of Person Mailing Correspondence	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as <del>first class</del> <sup>Express</sup> mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <b>May 26, 2005</b> <span style="float: right;"><b>ED888670336 US</b></span>											
<div style="text-align: center;">             _____  <i>Signature of Person Mailing Correspondence</i>  <b>Mary C. Notter</b> </div>											
Typed or Printed Name of Person Mailing Correspondence											

## TRANSMITTAL OF PAYMENT OF ISSUE FEE (Small Entity)

Docket No.

MES02

Applicant(s): Christian Siebel

Application No.  
09/954,483Filing Date  
September 17, 2004Examiner  
Leffers Jr, Gerald GCustomer No.  
26619Group Art Unit  
1636Confirmation No.  
6505

Invention: Gene Targeting Vectors Comprising Conditional Positive Selection Markers

Mail Stop Issue Fee  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

Transmitted herewith are the following for the above-identified application.

☒ Issue Fee Transmittal Form PTOL-85☒ Utility Fee: \$ 700.00☐ Design Fee:☐ Plant Fee:☒ Publication Fee: \$ 300.00☐ A check in the amount of is attached.☒ The Director is hereby authorized to charge and credit Deposit Account No. 502775 as described below.☐ Charge the amount of☒ Credit any overpayment.☒ Charge any additional fee required.☐ Payment by credit card. Form PTO-2038 is attached.**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Signature

Dated: May 26, 2005

John E. Burke, Reg. No. 35836  
Greenberg Traurig  
1200 17th Street, Suite 2400  
Denver, CO 80202  
303.685.7411  
303.572.6540 (fax)

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Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA  
22313-1450" [37 CFR 1.8(a)] on ED 8886 70336118

May 26, 2005

(Date)

Signature of Person Mailing Correspondence

Mary C. Notter

Typed or Printed Name of Person Mailing Correspondence